

CALL TO ORDER

Mayor Vanasse called the Council meeting to order at 7:33 PM.

ROLL CALL

Present: Dale, Feaster, Lilienthal, Richardson, Trantham and Vanasse.

Absent: Wallace.

APPROVAL OF MINUTES

M/M by Feaster, 2nd by Richardson to approve the minutes of 03/26/91 Council meeting as presented. Voice vote, motion carried unanimously.

motion

M/M by Feaster, 2nd by Richardson to approve the minutes of 04/09/91 Council meeting as presented. Voice vote, motion carried unanimously.

motion

M/M by Richardson, 2nd by Lilienthal to approve the minutes of 04/12/91 special Council meeting as presented. Voice vote, motion carried.

APPROVAL OF AGENDA

M/M by Richardson, 2nd by Feaster to approve the agenda with the following additions under New Business: Item F-Museum issue; Item G-Proposed Resolution #676; Item H-Madam Lilienthal's letter to rescind motion; Item I-Executive Session Legal Matter re: City vs Nelson Brown. Voice vote, motion carried unanimously.

MAYOR'S REPORT

Mayor Vanasse asked Council to try and be prompt tonight due to a lengthy agenda. Also expressed his appreciation to Craig Rogers, Chairman for the Public Works Committee who would be leaving his seat sometime middle of May; also indicated that Mr. Rogers serves as a volunteer fire fighter and thanked him for his many services. Mayor Vanasse also expressed his appreciation to Mike Franks who also left his seat on the Public Works Committee and thanked him for his valued membership and services on the Committee also.

MANAGER'S REPORT

City Manager Earnest reviewed his written Manager's Report with Council on the following subject items:

- dumpster truck been purchased, enroute to Seattle and will be in this summer's first barge;
- notice of bid award sent to H2W Constructors, Inc. for the sewage lagoon fence installation and work to commence once contract is finalized;
- Bowling Alley lane resurfacing and machine repair work been rescheduled for May 5th and Public Works Department been notified that the Bowling Alley floor tiles contained esbestos;
- City been informed by DOT&PF that temporary repairs have been made to the Brown's Slough bridge and until further notice, normal load limits apply;
- letter received from Max Hodel, Chief of Staff for Governor Hickel, indicating that Governor Hickel did not approve City of Bethel's request for disaster declaration based on fact that City has a grant fund balance for water and sewer improvements through Ak. Department of Environmental Conservation, Village Safe Water program; indicated City would need to

MANAGER'S REPORT
continued

develop a design plan and submit a request to DEC for repairing and improving the lagoon dike and outlet structure;

- City been informed that Alaska Energy Authority had requested that CH2M Hill rewrite their report on Bethel Utilities Acquisition study; soon as the rewritten report is received, it would be distributed to Council and recommended that a worksession would be appropriate few weeks after its received;
- on April 17th, Kuskokwim College hosted a meeting with various business representatives regarding the proposed Yup'ik Cultural Center to review concerns regarding original proposed site for the facility and to explore alternative sites; and would like some kind of direction from Council tonight. Council at this time discussed the proposed map presented. After Council discussion, Council did not agree with the map presented showing proposed new site, and suggested the College make another proposal, mainly with the parking space proposal;
- indicated to Council that FY'92 budget was currently being worked on and apologized for the delay in schedule and first draft to be presented to Council beginning of May;
- indicated to Council that serious road wash outs occurred starting Friday evening through the weekend and expressed his sincere appreciation to the public and community volunteer that turned out to help with the road washouts due to high water rising due from frozen culverts, etc.; indicated without the community effort the roads would not have been kept open as they have; concluded by indicating that the road crew was now working on other roads.

Madam Richardson asked what the status was of possible esbestos contents in the bowling alley tiles; City Manager Earnest indicated that the Public Works Department was putting a plan together and they were notified that the tiles might contain low grade esbestos.

Councilman Trantham asked what the plan was for the PATC employees with the 6/30/91 closure date. City Manager Earnest indicated that that was the main concern also in meetings held regarding the PATC transition. Administrative/Personnel Officer Taylor indicated that both agencies expressed interest in keeping the staff during the transition, but would, like any other agency, refill another application and terminate employment with the City of Bethel. Councilman Trantham at this time suggested City Manager Earnest check with Department of Labor regarding compensation. Madam Richardson at this time indicated that the current PATC staff had sent a letter of support to one of the interested agencies and wondered if a City letter head was used and if so, she questioned the legality of that. City Manager Earnest indicated that a PATC letterhead was used, but SOADA had been contacted indicating City of Bethel was not involved in the letter in any way

MANAGER'S REPORT
continued

and that City of Bethel was not endorsing support of either entities.

COUNCILMEMBER COMMENT

Madam Richardson expressed that as a volunteer attending employee committee meetings and regarding the executive session issue, that they had talked with the Attorney regarding the employee committee; and now asking that Council representative step down and to keep the employee committee an informal Committee. Employee committee co-chair George Young at this time indicated that the employee meetings were of course, open to employees and public can attend with prior notification to the employee committee. Mayor Vanasse thought the employee committee should stay a formal committee. Councilman Feaster asked the legality of the informal employee committee holding meetings on City property; Mayor Vanasse indicated that he would have to check with the City Attorney on this matter.

Madam Richardson asked regarding various campaign stickers around town, etc., suggested to look into the issue to have the stickers removed.

Madam Lilienthal at this time thanked Councilman Dale for grading the road across the slough; indicated that the road needed to be graded badly.

Councilman Trantham also indicated that he had received a call appreciating Mr. Dale grading the poorly conditioned road across the slough - Councilman Trantham thanked the public for calling. Further referred to the process of collecting sales taxes; locally collecting taxes vs collecting taxes through the Attorney; indicated that it was not cost effective on City's part for the Attorney to collect \$500 back due taxes, and get a bill from the Attorney for about \$700 for that particular tax collection. Continued on to indicate that a detailed bill and report was needed from another City Attorney Mr. Meade; which he indicated he was not aware of this particular Attorney. Concluded by indicating that there were resolutions tonight to pass and suggested that vote counts of yes and no votes be affixed on resolutions. Mayor Vanasse voiced his objection to affixing total votes on resolutions, since there were minutes to show vote counts, the actual resolution itself and the tape recordings of Council meetings. Madam Richardson concurred with Councilman Trantham and indicated it would not hurt to affix vote counts on resolutions.

Councilman Feaster asked what the start date of the Attorney was; City Manager Earnest indicated that May 1 could be the final date for an answer from the applicant. Councilman Dale suggested if no Attorney is hired by May 1, to give Administration authorization to advertise the position right away. Councilman Trantham requested report as to why it took 2 months to hire, if this applicant was hired.

REPORTS OF STANDING
COMMITTEES

Councilman Dale reported that there were 2 chauffeur permit appeals tonight on Council agenda, which the Transportation Commission at their last meeting had upheld the Police Chief's decision to deny them their chauffeur's permit application.

Madam Lilienthal reported that Port Commission had a meeting last Monday, which the new Port Commission members had good suggestions and points well taken; and also a special Port Commission meeting was scheduled for tomorrow, 7:30 PM at the Dock and the agenda item: Inlet Salmon's request.

Madam Richardson reported that the Public Safety Committee met and the Police liability insurance discussed in length and concluded by supporting Police Department's suggestion to go with Alaska Municipal League Police liability insurance. City Manager Earnest at this time asked Council to defer any action by Council. Indicated that alot was gained from going through the process; and action plan to just submit the coverage and to clarify the tail coverage of the insurance.

Mayor Vanasse reported that there was no Parks & Recreation Committee meeting due to illness.

Councilman Feaster reported that the Planning Commission meeting which was scheduled for last week was cancelled. Also reported that the Finance Committee met last night and reviewed the Bethel Utilities Acquisition study, but tabled until the report was rewritten.

Councilman Trantham reported that the Public Works Committee met on April 16th and following items were discussed: Chairman Craig Rogers to resign May 15th; Mike Franks resigned since he was leaving town; V&E Mechanic Kevin Miller returned from inspecting the garbage truck and accepted the truck provided that oil samples and analysis be taken. Also indicated that the result of the oil sample and analysis was that the main berrings needed replacement; and the dealer agreed to replace the main berrings. Indicated it was important to follow-up to make sure the main berrings were replaced, by taking another oil samples when the truck arrives this summer and overall, the truck met the specifications of the RFP. Also reported that 3 new 3,000 gallon water tanks were ordered and might be on barge this summer. Further indicated that someone had suggested that the City hold an open house at the shop to familiarize the public of the activities at the Shop which he thought was a good idea. Indicated that they were unable to complete review of water/sewer rate study. Concluded by indicating that the Bethel Utilities Acquisition study lacked inspiration and no recommendations included and requested that a copy of Alaska Energy Authority's letter be made available to Council.

REPORTS OF STANDING
COMMITTEES cont.

Madam Richardson on behalf of the Public Safety Committee asked for Council's blessing to start accepting complaints regarding the Police Department as a pass information through type deal. Mayor Vanasse felt they should just accept complaints and pass them on to the Police Chief, but not take any action on the complaints. Madam Richardson indicated that was what they were requesting; no objections were made at this time.

motion

M/M by Trantham, 2nd by Richardson that vote counts be affixed on all Resolutions.

Mayor Vanasse objected to affixing vote counts on resolutions, since there were council minutes council meeting tapes and roll call sheet to show the votes.

Poll vote, motion carried. 5-yes; 1-no (Vanasse).

PEOPLE TO BE HEARD

No people to be heard at this time.

NEW BUSINESS:

CHAUFFEUR'S PERMIT APPEALS TO COUNCIL

Item A: Chauffeur's
Permit Appeals to
Council: T.Grifka
& R.Hatley

Mr. Tim Grifka at this time approached Council in regards to his chauffeur's permit denial by the Police Chief and decision upheld by the Transportation Commission. Indicated he was now appealing to Council. Further indicated that he did not have any income at all, driving cab was his only income, has a child and main reason for denial of his chauffeur's permit application was because of his assault conviction. After Council discussion, Mayor Vanasse indicated to Mr. Grifka that the Council could not overturn the decision of the Transportation Commission, but can review the process in which they came to their decision; and if Council felt the Transportation Commission did not follow the rules and appeals process, then they would be able to do something. Indicated to Mr. Grifka that as they can see by the minutes, that they saw nothing wrong, unless Mr. Grifka had any specific complaints. No complaints were heard from Mr. Grifka; Mr. Grifka was informed that he can reapply next year since the denial was only for the year he was denied.

R. Hatley

Council did not consider Mr. Robert Hatley's appeal at this time, since he was not present.

COUNCIL BREAK - 9:17 PM to 9:33 PM.

Item B: Recommendation from Planning Comm. Re: Harry Faulkner, Sr's claim to Block1, Lot1, USS 3790

RECOMMENDATION FROM PLANNING COMMISSION RE: HARRY FAULKNER, SR'S CLAIM TO PART OF BLOCK1, LOT1, USS 3790

Council heard from Planning Manager Debbie Gilcrest review the Planning Commission's meeting regarding Mr. Faulkner's case. Ms. Gilcrest indicated that the Planning Commission reviewed all documents submitted including affidavits requested, but Commission unable to determine if he had a valid claim; no

Item B continued

actual recommendation made, but she had recommended that a citation of trespass be issued to Mr. Faulkner based on the fact that the ownership in question was established as City owned property.

Harry Faulkner, Sr. at this time reviewed his documents and further discussed his claim and how it was done back in the 1960's with Council. Mr. Faulkner indicated that he was suppose to get the title to the land, once the City received title to the land in question; indicated that the City had supposedly received the title in 1974, which he did not claim at the time since he was not aware of City receiving the title until recently. Council further discussed the matter in detail with Mr. Faulkner. Councilman Dale referred the Council to the Attorney's letter.

motion

M/M by Dale, 2nd Lilienthal that City follow Planning Commission's recommendation that Mr. Faulkner be given approximately 30 days to remove his structure from the City owned parcel of land.

Councilman Trantham felt Council was acting in today's rules, when actions taken back in 1960's were conducted alot differently; also indicated that some businesses were conducted with a simple hand-shake deal, which he sees how this was done. Further felt Mr. Faulkner had validity in his claim and that Council was acting hasty with this action. Also indicated that he spoke with the individuals that signed the affadavit's, and indeed the hand-shake land transfer had been done.

Poll vote

Poll vote on motion, motion carried. 5-yes; 1-no (Trantham).

Item C: Proposed
Resol 678-PERS
Retirement
Program

PROPOSED RESOLUTION #678-PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) RETIREMENT PROGRAM

Mayor Vanasse indicated that this had been discussed in length in the past, and asked if Council had any questions.

motion

M/M by Dale, 2nd by Richardson to accept Resolution #678 as presented. Poll vote, motion carried unanimously.

Item D: Proposed
Resol 679-Brown
Slough Bridge Fund-
ing Request

PROPOSED RESOLUTION #679-BROWN SLOUGH BRIDGE FUNDING REQUEST

City Manager Earnest indicated that the plan is to include bridge replacement and thanked Senator Hoffman for his hard work, which normally would take 3 years for the project. Councilman Trantham suggested adding another whereas clause to include the access to the Small Boat Harbor.

motion
1d236

M/M by Feaster, 2nd by Trantham to accept Resolution #679 with addition to include the Small Boat Harbor.

Item D continued Voice vote, motion carried unanimously.

Item E: Proposed
Resol 680-Partici- PROPOSED RESOLUTION #680-AUTHORIZING PARTICIPATION
pation in Comm. IN COMMUNITY DEVELOPMENT BLOCK GRANT-RURAL ECONOMIC
Devel.Block Grant DEVELOPMENT INITIATIVE PROGRAM
motion

M/M by Feaster, 2nd by Richardson to approve
Resolution #680 as presented. Voice vote, motion
carried unanimously.

Item F: Museum
Discussion MUSEUM DISCUSSION

Administrative/Personnel Officer Taylor reported that Bethel Council on the Arts had submitted a request to operate the Museum for 2 months on a trial basis. Council and the public discussed the Museum and income earnings and also reviewed the proposed operating budget. Councilman Dale asked if an RFP had been done and had a question on the liability insurance. Administrative/Personnel Officer Taylor indicated that it had been put out to bid before along with the Laundromat RFP, which no response was received and indicated that the liability insurance was paid up through June 30, 1991.

Hal Jones requested that an inventory be done of the stock and felt that they should be auctioned off. Also indicated that they were also interested in the Museum also and felt this should be monitored closely by Council. Councilman Dale expressed that he would not support reopening the Museum.

Moravian Bookstore Manager, Karen Flugel, indicated that back in later years, Museum purchases would be done on consignment only with 30% mark up on prices. Ms. Flugel further felt the Museum was valid for the Community and surrounding villages. Council at this time discussed the basis of the operating agreement.

Bethel Council on the Arts Board President, Linda Curda indicated to Council that they were not trying to take over the Museum, but to simply open and operate the Museum. Council further discussed this in detail. Councilman Trantham indicated that a budget amendment would be required and this could not happen legally tonight; expressed that whatever decision Council came to, that it be done legally.

motion M/M by Dale, 2nd by Trantham to reject Bethel
Council on the Arts proposal. Poll vote, motion
failed. 3-yes; 3-no (Feaster, Richardson & Vanasse).

otion M/M by Richardson, 2nd by Feaster to approve the
proposal in concept the Bethel Council on the Arts
agreement to run the Museum. Poll vote, motion
failed. 3-yes; 3-no (Dale, Lilienthal & Trantham).

Item G: Proposed
Resol 676-Request
FAA Incorporate
additional storage
bays

PROPOSED RESOLUTION #676-REQUEST FAA INCORPORATE
ADDITIONAL STORAGE BAYS

City Manager Earnest reviewed the changes made from
the previous resolution which had been tabled at the
last meeting. Council briefly discussed the proposed
resolution.

motion

M/M by Dale, 2nd by Trantham to table Resolution
#676. Voice vote, motion carried unanimously.

Item H: Madam
Lilienthal's
Request to rescind
motion

MADAM LILIENTHAL'S REQUEST TO RESCIND MOTION

Madam Lilienthal explained that the reason why she
wanted to rescind her motion was that she had been
approached by constituents regarding her vote on a
motion regarding the Long Branch Restaurant;
basically pointing out that Council was opening up
themselves up to more sales tax penalty and interest
forgiveness requests. Councilman Dale questioned
the legality of the issue and with 2 months gone
by after the action was taken. City Manager Earnest
indicated that Council did have the right to rescind
votes, and that this was the right method of doing
so. Council further discussed the possible actions
that might have occurred after this particular
action was taken. Mayor Vanasse read and reviewed
with Council from the Roberts' Rules of Order on
the section of rescinding motions. City Manager
Earnest pointed out that this should be an agenda
item. Councilman Dale requested Administration get
an Attorney's opinion on this before taking any
action.

motion

M/M by Richardson, 2nd by Feaster to add this on
the next Council agenda. Voice vote, motion carried.

Item I. Executive
Session-Legal
Matter

EXECUTIVE SESSION - LEGAL MATTERS

M/M by Richardson, 2nd by Lilienthal to go into
executive session to discuss City vs Nelson Brown
at 11:16 PM. Voice vote, motion carried unanimously.

motion

M/M by Richardson, 2nd by Feaster to get out of
executive session at 11:43 PM. Voice vote, motion
carried unanimously.

motion

M/M by Dale, 2nd by Feaster that City of Bethel
accept settlement offer by Nelson Brown with an
amendment that land size be reduced for the bus
operation. Voice vote, motion carried unanimously.

ADJOURNMENT

M/M by Feaster, 2nd by Richardson to adjourn the
meeting at 11:44 PM. Voice vote, motion carried
unanimously.

PASSED AND APPROVED THIS 14 DAY OF May, 1991.

Attest:
Anna McGowan
Anna McGowan, City Clerk

Gary Vanasse
Gary Vanasse, Mayor